

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

The disclosure is amended by the present response to address the objection noted in paragraph 1 of the Office Action.

A substitute Figure 2 is submitted with the present response to address the objection noted in paragraph 2 of the Office Action.

Claims 1-14 are pending in this application. Claims 11-14 are added by the present response. Claims 1, 2, and 5-7 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. patent 5,408,335 to Takahashi et al. (herein "Takahashi"). Claims 4 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Takahashi in view of U.S. patent 4,894,727 to Sasaki.

Claims 3 and 9 were objected to as dependent upon rejected base claims, but were noted as allowable if rewritten in independent form to include all of the limitations of their base claims and any intervening claims.

Initially, applicants gratefully acknowledge the early indication of the allowable subject matter in claims 3 and 9.

With respect to that indication of allowable subject matter, applicants note that new claims 11-14 are presented for examination. New claims 11 and 13 are independent claims that correspond to previously pending claims 3 and 9 rewritten in independent form, and new claims 12 and 14 respectively depend from new independent claims 11 and 13. Based on the indication of allowable subject matter in the outstanding Office Action, applicants respectfully submit that claims 11-14 are allowable.

Addressing now the rejection of claims 1, 2, and 5-7 under 35 U.S.C. § 102(b) as anticipated by Takahashi, and the further rejection of claims 4 and 10 further in view of Sasaki, those rejections are traversed by the present response.

It is initially noted that each of independent claims 1, 5, 6, and 7 is amended by the present response to clarify features recited therein. Specifically, those claims now clarify that the previously recited predetermined range is a "predetermined number of lines of image data taken from the photoelectric transducer".

According to a feature as set forth in the above-noted claims as currently written, an evaluation is made based on a number of lines of image data taken from a photoelectric transducer, see for example step S2 in Figure 6. However, that predetermined number of lines of image data taken from the photoelectric transducer is then adjusted based on a comparison of an average value to a predetermined target value. With reference to Figure 8 in the present specification as a non-limiting example, if a difference between an average value and a target value is 5 or more, a number of lines of image data taken from a photoelectric transducer is set at 4, but when that difference falls to less than 2, the number of lines of image data taken from the photoelectric transducer is adjusted, and in the specific non-limiting example shown in Figure 8 is increased to 16.

Such an operation now clarified in the above-noted claims is believed to clearly distinguish over the applied art.

The outstanding rejection cites Takahashi, at column 3, lines 12-25, with respect to the adjusting device 3 to disclose an adjusting operation of a range of a photoelectric transducer. However, those teachings in Takahashi are not at all directed to any operation of adjusting a number of lines of image data taken from a photoelectric transducer.

Also, at column 1, lines 20-28, of Takahashi, noted in the Office Action as disclosing the feature of the offset level detecting operation in the claims, Takahashi does not teach or suggest any type of seeking an average value in a predetermined number of lines of image data taken from a photoelectric transducer.

In such ways, the teachings in Takahashi do not teach or suggest the features now clarified in the above-noted claims.

Moreover, no teachings in Sasaki can overcome the noted deficiencies in Takahashi.

In such ways, each of claims 1, 5, 6, and 7, and the claims dependent therefrom, are believed to distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

GJM/SNS:asat

I:\ATTY\SNS\19's\199921\199921US-AM.DOC

Gregory J. Maier
Registration No. 25,599
Surinder Sachar
Registration No. 34,423
Attorneys of Record